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AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921			MANSFIELD, THOMAS L	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/757,556

Applicant(s)

ABOUJAUDE ET AL.

Examiner

THOMAS MANSFIELD

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-20, 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Final Office action is in reply to the response to Office Action filed on 8 September 2008.
2. Claims 1, 3, 7, 11, 12, 14, and 18 have been amended.
3. Claims 10 and 21 have been cancelled.
4. Claims 1-9, 11-20, and 22 are currently pending and have been examined.

Response to Amendment

5. The Claim rejections under 35 U.S.C. §101 in the previous Office Action for Claims 1-22 have not been properly amended to recite useful, concrete and tangible results. Therefore, the rejection is maintained for the reasons cited below.
6. The Claim rejections under 35 U.S.C. §101 in the previous Office Action for Claims 1-22 have not been properly amended to recite statutory subject matter. Therefore, the rejection is maintained for the reasons cited below.

Response to Arguments

7. Applicant's arguments filed 8 September 2008 have been fully considered but they are not persuasive.
8. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., The Examiner's attention is directed to Applicant's Specification, paragraphs 0037-0040 and 0090-0091 [see Remarks page 7, first paragraph] are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

9. Applicant submits that Campbell et al (Campbell) (U.S. 6,871,193) does not teach or suggest in amended Claims 1 and 12: *(1) a unified shared business application system and method, comprising: an enterprise function, for providing a common customer identifier for users associated with a plurality of business channels of a plurality of enterprises, wherein said enterprise function associates a CCI associated with each enterprise to each user accessing said unified portal wherein said CCI provides an indicium of priority for servicing an enterprise customer.*
10. With regard to argument (1), the Examiner respectfully disagrees. Campbell teaches *a unified shared business application system and method* (a gateway for providing consumer services) (see at least column 1, line 40 through column 2 line 19), *comprising: an enterprise function* (Bundles 112 may provide various types of functionality, an authentication bundle 138) (see at least column 10, lines 222-36), *for providing a common customer identifier (CCI)* (access control list (ACL), unique identifier) (see at least column 11, lines 24-54 and column 17, lines 64-66) *for users* (one or more users 36) *associated with a plurality of business channels* (utility services that consumer services 141 can access) *of a plurality of enterprises* (Authorized third party bundles 140) (see at least column 11, lines 55-66), *wherein said enterprise function associates a CCI associated with each enterprise to each user accessing said unified portal* (Portal-page bundle 132 provides a user interface to user 36 at customer premises 12 to allow the user to interact with bundles 140) (see at least column 10, lines 57-61), *wherein said CCI provides an indicium of priority for servicing an enterprise customer* (Authorization may be at a high level, where access is granted or denied to gateway 30, or at a low level, where access granted or denied for a specific service) (see at least column 18, lines 51-66).

Claim Rejections - 35 USC § 101

11. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

12. Claims 1-9 and 11 are rejected under 35 U.S.C. §101 because Claims 1-9 and 11 recite steps for unifying and sharing business applications but do not produce useful, concrete and tangible results.

Under the statutory requirement of 35 U.S.C. § 101, a claimed invention must produce a useful, concrete, and tangible result. For a claim to be useful, it must yield a result that is specific, substantial, and credible (MPEP § 2107). A concrete result is one that is substantially repeatable, i.e., it produces substantially the same result over and over again (*In re Swartz*, 232 F.3d 862, 864, 56 USPQ2d 1703, 1704 (Fed. Cir. 2000)). In order to be tangible, a claimed invention must set forth a practical application that generates a real-world result, i.e., the claim must be more than a mere abstraction (*Benson*, 409 U.S. at 71-72, 175 USPQ at 676-77). (Please refer to the "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" for further explanation of the statutory requirement of 35 U.S.C. § 101.)

The claims do not produce a useful result because the claims do not provide a specific utility. Per MPEP 2107.01 A, a specific utility is "specific to the subject matter claimed and can "provide a well-defined and particular benefit to the public."" As the claims are currently recited, they seem to apply to the general problem of a unified portal or gateway for providing a service, but fail to disclose a more specific utility as to how the portal is unified and how information associated with business applications is integrated.

The claims are not concrete because one of ordinary skill in the art would not be able to repeat the steps and produce the same tangible results as the providing, integrating, and storing steps could be performed by different individuals and achieve different outcomes since it is not clear

what the scope is of integrating business application being responsive to authorized user selections.

The claims do not produce tangible results because the claims just store information associated with business channels, but do not actually derive results from the integration.

13. Claims 1-9, 11-20 and 22 are also rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. For a system or method claim to be statutory, it must comprise hardware or a combination of hardware and software, but cannot be comprised solely of software. Claims 1 and 12 recite a *"business application system"* with *"a unified portal"*, *"enterprise function module"*, and *"database warehouse"*. Although Claims 1 and 12 recite a system and method, there is no structure/hardware to support the *unified portal*, *enterprise function module*, and *database warehouse*. Because the claims do not expressly recite hardware, a *"business application system"* with *"a unified portal"*, *"enterprise function module"*, and *"database warehouse"* appear to be software per se. Because software per se is not tangible and statutory, it does not constitute a proper system claim. Claims 2-9, 11, 13-20, and 22 depend from Claims 1 and 12 and have the same deficiencies and missing elements and are rejected for the same rationale.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 1-9 and 12-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Campbell et al (Campbell) (U.S. 6,871,193).

With regard to Claims 1 and 12, Campbell teaches *a unified shared business application system and method* (a gateway for providing consumer services) (see at least column 1, line 40 through column 2 line 19), *comprising*:

- *a unified portal* (gateway, portal server **16**) *for authenticating* (authentication service) *and authorizing user preferences and restrictions* (authorize a user associated with the gateway) (see at least column 1, lines 56-65 and column 5, lines 39-43).
- *an enterprise function* (Bundles **112** may provide various types of functionality, an authentication bundle **138**) (see at least column 10, lines 222-36), *for providing a common customer identifier (CCI)* (access control list (ACL), unique identifier) (see at least column 11, lines 24-54 and column 17, lines 64-66) *for users* (one or more users **36**) *associated with a plurality of business channels* (utility services that consumer services **141** can access) *of a plurality of enterprises* (Authorized third party bundles **140**) (see at least column 11, lines 55-66), *wherein said enterprise function associates a CCI associated with each enterprise to each user accessing*

said unified portal (Portal-page bundle 132 provides a user interface to user 36 at customer premises 12 to allow the user to interact with bundles 140) (see at least column 10, lines 57-61), *wherein said CCI provides an indicium of priority for servicing an enterprise customer* (Authorization may be at a high level, where access is granted or denied to gateway 30, or at a low level, where access granted or denied for a specific service) (see at least column 18, lines 51-66). .

- *an integrated business applications system* (Application-Programmer-Interface bundle 135) *for integrating a plurality of business applications across products and services* (comprise software modules that define functionality in utility services that consumer services 141 can access), *said integrated business applications being responsive to authorized user selections of at least one business application from said unified portal* (authorized third party bundles 140 may include functionality for controlling devices 36 when the devices are light switches, climate controls) (see at least column 11, line 55 through column 12, line 13).
- *a database warehouse* (Database 42) *for storing information associated with said business channels of said plurality of enterprises, each user, and said products and services* (see at least column 6, lines 18-24, lines 59-65, column 11, lines 30-33).

With regard to Claims 2 and 13, Campbell teaches *wherein said enterprise function associates a plurality of sub-enterprise entities associated with said user* (stock trading capabilities, home automation system, grocery store) (see at least column 9, lines 26-37).

With regard to Claims 3 and 14, Campbell teaches *wherein said plurality of business channels comprise at least one of a customer channel* (consumer services 141, utility services), *a sales channel* (to place a time-sensitive stock purchase) (see at least column 8, lines 7-12), *an alliances channel* (External network interface 106), *or an internal operations channel* (Internal network interface 104, Bluetooth interface) (see at least column 8, lines 47-65).

With regard to Claims 4 and 15, Campbell teaches *wherein said plurality of business applications comprises an ordering application* (bundles 112 may provide the ability to order groceries) (see at least column 9, lines 30-35), *a maintenance application* (maintenance bundle 137), *and a billing application* (billing bundle 134) (see at least column 10, lines 22-36).

With regard to Claims 5 and 16, Campbell teaches *wherein each of said plurality of business applications are integrated across products and technologies associated with said users of said business channels* (provides a user interface, to allow the user to interact wit bundles 140) (see at least column 10, lines 57-61).

With regard to Claims 6 and 17, Campbell teaches *wherein said database warehouse comprises a virtual unified database* (Operating system layer 124 comprises an operating system operable to support Java virtual machine layer 122 and OSGi layer 120 on the hardware used) (see at least column 9, lines 23-25) *and is updated based on actions taken by said plurality of business applications in response to said user selections* (provisioning bundle 130 may retrieve utility bundles, authorized third party bundles 140 and updates to bundles 112 from portal server 16 using web server 44) (see at least column 10, lines 37-56).

With regard to Claims 7 and 18, Campbell teaches *wherein said CCI is associated with at least one master customer number (MCN)* (generate a unique value based on the characteristics of a particular bundle 112), *where each of said at least one MCN is associated with a business sub-entity of said enterprise* (a company may further identify a particular bundle 112 by applying further cryptographic transformations to the unique value associated with the company) (see at least column 10, lines 4-18).

With regard to Claims 8 and 19, Campbell teaches *wherein said plurality of business applications* (Profile service 176) *utilize said MCN to retrieve information* (retrieve and store profile information) *from said database warehouse* (in database 42 at portal server 176) (see at least column 13, lines 43-55).

With regard to Claims 9 and 20, Campbell teaches *wherein said unified portal is a host for accessing said plurality of business applications* (Portal-page bundle 132 provides a user interface to user 36 at customer premises 12 to allow the user to interact with bundles 140) (see at least column 10, lines 57-61).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell as applied to Claims 1-9 and 12-20 above, and further in view of Nichols et al (Nichols) (U.S. Pub. No. 2003/0055652).

With regard to Claims 11 and 22, Campbell teaches the system and method above in Claims 1-10 and 12-21. Campbell does not specifically teach *wherein said unified portal comprises an interface for providing graphical and textual information*. Nichols teaches *wherein said unified portal comprises an interface for providing graphical and textual information* (interface homepage screen **220** for the Portal) in analogous art of a private network exchange with multiple service providers for the purposes of, "The white pages is an application that allows a user to view the directory services in sorted lists" (see at least paragraphs 0131-0135 and FIGS. 1-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the interface homepage screen **220** for the Portal as taught by Nichols with the gateway for providing consumer services method of Campbell. One of ordinary skill in the art would have been motivated to do so for the benefit of an enhanced user-friendly GUI displaying detailed consumer services (Nichols, paragraphs 0131-0135 and FIGS. 1-27).

18. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

19. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Zimler et al (U.S. Pub. No. 2005/0038869) discloses a business portal API including a business communications gateway.
- Bansal et al (U.S. Pub. No. 2003/0120593) discloses a method and system for delivering multiple services electronically to customers via a centralized portal architecture.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS MANSFIELD whose telephone number is (571)270-1904. The examiner can normally be reached on Monday-Thursday 8:30 am-6 pm, alt. Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on 571-272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./
Examiner, Art Unit 3624

19 December 2008
Thomas Mansfield

/Beth V. Boswell/
Supervisory Patent Examiner, Art Unit 3623